

Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni Taber, CMC
Acting City Clerk

SUBJECT: The Public Record
April 22, 2013 – April 25, 2013

DATE: April 26, 2013

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Notice of Public Hearing to the City of San José from Local Agency Formation Commission of Santa Clara County (LAFCO) dated April 23, 2013, regarding Special Districts Service Review Draft Report: Phase 1.
- (b) Notice of Surplus funds from Trustee's Sale dated April 8, 2013, regarding property located at 302 Marble Arch #3, San Jose, CA 95136.
- (c) Notification letters (3) from T-Mobile West LLC to the City of San José dated April 1, 2013, regarding land use approval for site numbers: SF04993A, SF04910A, and SF04966A.
- (d) Letter to Mayor Reed and City Council from the Senior Citizens Commission Chair Martha O'Connell dated April 25, 2013, regarding a special meeting held on April 23, 2013.
- (e) Letter to Mayor Reed and City Council from the Association of Local Government Auditors (ALGA) dated April 16, 2013, awarding the 2012 Silver Knighton Award in the Medium Shop Category to the City of San José's Auditor's Office for their report on "Police Secondary Employment: Urgent Reform and a Cultural Change Needed to Gain Control of Off-Duty Police Work".
- (f) Letter to Mr. Mac Tully, President and Publisher of the San Jose Mercury News from David Wall dated April 25, 2013, regarding "San José Mercury News is not worth the paper it is printed on because of YOU."

Toni Taber, CMC
Acting City Clerk

TT/kc

Honorable Mayor and City Council Members

April 26, 2013

Subject: The Public Record April 22, 2013 – April 25, 2013

Page 2 of 2

Distribution:	Mayor/Council	Director of Transportation
	City Manager	Public Information Office
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	Assistant to City Manager	Library
	Council Liaison	Director of Public Works
	Director of Planning	City Auditor
	City Attorney	Director of Finance



PUBLIC RECORD a

RECEIVED
San Jose City Clerk

2013 APR 24 AM 11:22

DATE: April 23, 2013
TO: Special District Board Members and Managers
City Managers and County Executive
City Council Members and County Board of Supervisors
LAFCO Members
Interested Parties
FROM: Neelima Palacherla, Executive Officer
SUBJECT: LAFCO's SPECIAL DISTRICTS SERVICE REVIEW REVISED DRAFT REPORT: PHASE 1
Notice of Availability and Public Hearing

The Special Districts Service Review Revised Draft Report (with tracked changes) is now available for public review and comment on the LAFCO website at www.santaclara.lafco.ca.gov. The Report reviews six special districts, specifically the Rancho Rinconada Recreation and Park District, the Santa Clara County Vector Control District, the Santa Clara Valley Transportation Authority, the Saratoga Cemetery District, the South Santa Clara Valley Memorial District, and the Santa Clara County Lighting Services Area. The Report includes a service review and sphere of influence update for each of these agencies and recommends actions to promote efficient service delivery, and improvement in the transparency, accountability and governance of these districts.

LAFCO will hold a Public Hearing to accept comments and consider adoption of the Special Districts Service Review Revised Draft Report.

LAFCO Public Hearing: June 5, 2013
Time: 1:15 P.M. or soon thereafter
Location: Board Meeting Chambers
70 W. Hedding Street, San Jose, CA 95110

You may provide written comments on the Revised Draft Report by mail to: LAFCO of Santa Clara County, 70 West Hedding Street, 11th Floor, East Wing, San Jose, CA 95110 **OR** you may email your comments to: dunia.noel@ceo.sccgov.org.

Written comments received by May 15th will be included and addressed in the staff report that will be provided to the LAFCO Commission in advance of the June 5, 2013 Public Hearing. Written comments received after May 15th will be provided to the LAFCO Commission at the June 5, 2013 Public Hearing and addressed at that time.

Please contact Dunia Noel, LAFCO Analyst, at (408) 299-5148 if you have any questions or concerns. Thank you.

70 West Hedding Street • 11th Floor, East Wing • San Jose, CA 95110 • (408) 299-5127 • www.santaclara.lafco.ca.gov

COMMISSIONERS: Pete Constant, Sequoia Hall, Margaret Abe-Koga, Linda J. LeZotte, Mike Wasserman, Susan Vicklund Wilson

ALTERNATE COMMISSIONERS: Johnny Khamis, Yoriko Kishimoto, Terry Trumbull, Cat Tucker

EXECUTIVE OFFICER: Neelima Palacherla

RE: INTENT TO PROCEED WITH SURPLUS FUNDS DISBURSEMENT

RECEIVED

San Jose City Clerk

Trustor: Ken H. Tran
Trustee Sale No.: 12-21764
Property Address: 302 Marble Arch # 3
San Jose, CA 95136
Date: April 8, 2013

2013 APR 24 PM 3:46

COW
MAY

Dear Sir or Madam:

As you may be aware, a Trustee's Sale of the above referenced property was duly held on March 13, 2013 and resulted in funds in excess of the amount necessary to satisfy the debt owed to the foreclosing lender plus allowable foreclosure fees and costs. This firm represents the Trustee in the performance of its duty to determine the priority of all claims to the surplus funds and the potential disbursement of surplus funds.

As you should be aware, notice of the available surplus funds was mailed to all interested parties and requested that a written demand to claim the funds be promptly submitted. The Trustee received claims from the below-referenced entities and/or individuals in the below-listed amounts and we have preliminarily determined the order of priority as follows. **Please note that the claimant listed in bold will be exhausting the surplus funds.**

<u>Name of Claimant</u>	<u>Nature of The Claim To Surplus Funds</u>	<u>Claim Amount</u>
Cal HFA	Deed of Trust	\$37,068.48
Cal HFA	Deed of Trust	\$19,187.21

We submit this letter to allow you the opportunity to evaluate the claims presented and the preliminary order of priority to the funds as determined by us. If you have any objections to the claims, either in the amount of the submitted claim or our preliminary determination of priority, we would ask that you submit a written objection setting forth your position for our evaluation.

Any objection(s) should be submitted to our office in writing within ten 10 days of the date of this letter. In the event that we are able to confirm the propriety of the claim(s), obtain all necessary documentation on the presented claim(s), and no objection as to the priority of claim(s) is submitted, we intend to disburse surplus funds on the presented claim(s), after fees and costs provided by Cal. Civ. Code §2924j have been paid. Should a written objection be obtained that cannot reasonably be resolved or reconciled, the funds will be deposited with the court. In such an event, all impacted claimants will receive written notice of the deposit and must then claim the funds on deposit with the court.

Please contact Lori Womack at Law Offices of Les Zieve (714) 848-7920 or email at ljwomack@zievelaw.com, with any questions or concerns you may have.

T-Mobile

T-Mobile West LLC
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

April 1, 2013

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

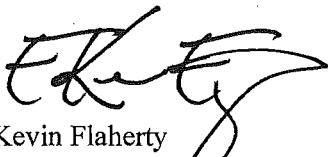
**RE: T-Mobile West LLC, formerly known as T-Mobile West Corporation (U-3056-C).
Notification Letter for T-Mobile Site No. SF04993A:**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- ☒ (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- ☐ (b) No land use approval is required because
- _____
- _____

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Kevin Flaherty, Senior Development Manager, Engineering for T-Mobile, at 415-359-5972, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,



Kevin Flaherty
Senior Development Manager, Engineering
T-MOBILE WEST LLC

Enclosed: Attachment A

CC:

City of San Jose, City Manager, 200 E. Santa Clara St, San Jose, CA 95113
City of San Jose, Planning Manager, 200 E. Santa Clara St, Tower 3rd Floor, San Jose CA 95113
City of San Jose, City Clerk, 200 E. Santa Clara St, San Jose, CA 95113

ATTACHMENT A

1. Project Location

Site Identification Number: SF04993A
Site Name: SF993 Courtyard Hotel
Site Address: 1727 Technology Dr
County: Santa Clara
Assessor's Parcel Number: 230-29-087
Latitude: 37 ° 21' 54.20" N
Longitude: - 121 ° 55' 7.00" W

2. Project Description

Number of Antennas to be installed: (3) existing panel antennas to be removed and replaced
with (6) new panel antennas
Tower Design: Building
Tower Appearance: Facade Mounted to Penthouse
Tower Height: 52'-8"
Size of Building: No change to lease area

3. Business Addresses of all Governmental Agencies

City of San Jose, City Manager, 200 E. Santa Clara St, San Jose, CA 95113
City of San Jose, Planning Manager, 200 E. Santa Clara St, Tower 3rd Floor, San Jose CA 95113
City of San Jose, City Clerk, 200 E. Santa Clara St, San Jose, CA 95113

4. Land Use Approvals

Date Zoning Approval Issued: 3/18/13
Land Use Permit #: PD97-097/AD04-141

T-Mobile

PUBLIC RECORD C

T-Mobile West LLC
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

April 1, 2013

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**RE: T-Mobile West LLC, formerly known as T-Mobile West Corporation (U-3056-C).
Notification Letter for T-Mobile Site No. SF04910A:**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- ☒ (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- ☐ (b) No land use approval is required because
- _____
- _____

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Kevin Flaherty, Senior Development Manager, Engineering for T-Mobile, at 415-359-5972, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,



Kevin Flaherty
Senior Development Manager, Engineering
T-MOBILE WEST LLC

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City of San Jose, Planning Director, 200 E. Santa Clara St, San Jose CA 95113
City of San Jose, City Clerk, 200 E. Santa Clara St, San Jose, CA 95113

ATTACHMENT A

1. Project Location

Site Identification Number:	SF04910A
Site Name:	SF910 PGE Tower
Site Address:	776 Gateview Dr
County:	Santa Clara
Assessor's Parcel Number:	254-35-007
Latitude:	37 ° 22' 36.90" N
Longitude:	- 121 ° 51' 20.50" W

2. Project Description

Number of Antennas to be installed:	(4) existing panel antennas to be removed and replaced with (6) new panel antennas
Tower Design:	Lattice
Tower Appearance:	Adjustable Pipe Mount
Tower Height:	111'-10"
Size of Building:	No change to lease area

3. Business Addresses of all Governmental Agencies

City of San Jose, City Manager, 200 E. Santa Clara St, San Jose, CA 95113
City of San Jose, Planning Director, 200 E. Santa Clara St, , San Jose CA 95113
City of San Jose, City Clerk, 200 E. Santa Clara St, San Jose, CA 95113

4. Land Use Approvals

Date Zoning Approval Issued:	2/25/13
Land Use Permit #:	AD13-206



T-Mobile West LLC
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

April 1, 2013

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**RE: T-Mobile West LLC, formerly known as T-Mobile West Corporation (U-3056-C).
Notification Letter for T-Mobile Site No. SF04966A:**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- ☒ (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- ☐ (b) No land use approval is required because
- _____
- _____

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Kevin Flaherty, Senior Development Manager, Engineering for T-Mobile, at 415-359-5972, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,

Kevin Flaherty
Senior Development Manager, Engineering
T-MOBILE WEST LLC

Enclosed: Attachment A

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City of San Jose, City Manager, 200 E. Santa Clara St, San Jose, CA 95113
City of San Jose, Planning Director, 200 E. Santa Clara St, San Jose CA 95113
City of San Jose, City Clerk, 200 E. Santa Clara St, San Jose, CA 95113

ATTACHMENT A

1. Project Location

Site Identification Number: SF04966A
Site Name: SF966 Willow Glen Middle School
Site Address: 2105 Cottle Ave
County: Santa Clara
Assessor's Parcel Number: 439-01-097
Latitude: 37 ° 17' 18.60" N
Longitude: - 121 ° 53' 48.83" W

2. Project Description

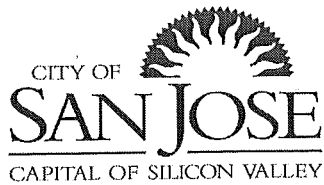
Number of Antennas to be installed: (3) existing panel antennas to be removed and replaced
with (6) new panel antennas
Tower Design: Monopine
Tower Appearance: Mounting attachment, 2 antennas per sector
Tower Height: 61'-0"
Size of Building: No change to lease area

3. Business Addresses of all Governmental Agencies

City of San Jose, City Manager, 200 E. Santa Clara St, San Jose, CA 95113
City of San Jose, Director, 200 E. Santa Clara St, San Jose CA 95113
City of San Jose, City Clerk, 200 E. Santa Clara St, San Jose, CA 95113

4. Land Use Approvals

Date Zoning Approval Issued: 3/13/13
Land Use Permit #: CP03-046

**SENIOR CITIZENS COMMISSION**

City of San Jose
Community Services
1694 Adrian Way
San Jose, Ca 95122

April 25, 2013

Mayor Chuck Reed
Members of the San José City Council
City Hall
200 East Santa Clara Street
San José, CA 95113

Dear Honorable Mayor Reed and City Council:

On April 23, 2013, a special meeting of the Senior Citizens Commission was held after referral from the Neighborhood Services and Education Committee. The purpose of the special meeting was to give the Senior Commission the chance to review and give input into the PRNS report regarding "Senior Services Program Report" which was released some eleven days after our regularly scheduled quarterly meeting. On behalf of the San José Senior Citizens Commission, I am advising you of the following actions that were taken at the special meeting:

- The Senior Commission will form a special ad hoc Committee to write a survey to assess the satisfaction and quality level of the Senior Nutrition Program at the current 14 City of San Jose sites in order to provide suggested improvements to the Mayor and City Council. Survey will be conducted by the liaisons to the various centers. The completion date for this task will be no later than December 2013.
- Senior Commission recommends revising the order of delivery of Senior Nutrition Meals so that the routes are alternated to ensure equity among catered sites.
- Chair O'Connell noted her concern for the need of the Senior Commission to be adequately staffed and not overwhelmed by other job assignments and for that staff person to be located at City Hall with access to timely mail distribution.

I wish to take this opportunity to thank Councilperson Constant for providing the timely mailing of the Senior Services Program Report from his office at City Hall so that Commission had sufficient time to review this lengthy and detailed document. Thanks also to the members of the NSE Committee (Nguyen, Rocha and Chu) who advocated for the active involvement of our Commission into the review of the PRNS report.

Sincerely,

Martha O'Connell,
Chair, Senior Citizens Commission

cc: Pete Constant, Councilmember, Dist. 1
Debra Figone, City Manager
Julie Edmonds-Mares, PRNS Acting Director
Angel Rios Jr, PRNS Acting Assistant Director
Suzanne Wolf, PRNS Acting Deputy Director
Toni Tabor, City Clerk
Ash Kalra, CD 2
Sam Liccardo, CD 3
Kansen Chu, CD 4
Xavier Campos, CD 5
Pierluigi Oliverio, CD 6
Madison Nguyen, CD 7
Rose Herrera, CD 8
Donald Rocha, CD 9
Johnny Klamis, CD 10
Chelsey Seagraves, Assistant to CM Constant
Khoa Nguyen, Mayor's Policy Analyst
Correspondence Binder



Association of Local Government Auditors

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Compliance Officer
Oakland County, MI

MEMBER SERVICES

449 Lewis Hargett Circle
Suite 290
Lexington, KY 40503
Phone: (859) 276-0686
Fax: (859) 278-0507

April 16, 2013

Mayor and City Council Members
City of San José
200 East Santa Clara Street
San José, CA 95113

The Association of Local Government Auditors (ALGA) Awards Program Committee is pleased to announce that the City of San José City Auditor's Office report *Police Secondary Employment: Urgent Reform and a Cultural Change Needed to Gain Control of Off-Duty Police Work* won the 2012 Silver Knighton Award in the Medium Shop Category.

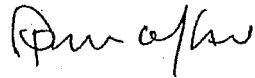
ALGA was founded in 1985 to serve auditors who specialize in working with local governments. ALGA members represent approximately 300 local government audit organizations. Unlike the majority of auditors who work within a single industry, local government auditors must work in an environment that encompasses a wide variety of industries. Local government auditors are committed to helping their governments improve service delivery to citizens while doing so more efficiently and effectively with the limited resources available. In making the award, the judges commented:

The audit report focused on risks associated with San José City police officers working secondary jobs, a controversial issue practiced by most law enforcement agencies. The report clearly outlined oversight weaknesses in the management of the secondary employment program and identified significant issues such as time overlaps between jobs, conflicts of interest, ethical dilemmas, and public safety concerns. Audit conclusions were persuasive and supported by compelling evidence. Audit recommendations should lead to significant improvements in the management of the secondary employment program, and ultimately an improvement in public safety and public perception.

To encourage increasing levels of excellence among local government auditors, ALGA created the Knighton Award in 1995 to recognize the best performance audit reports produced by local government audit shops in the previous year. Each year, local government audit organizations submit their best performance audit report to be evaluated against five criteria: (1) an audit scope that has the potential for significant impact, and is responsive to the needs and concerns of decision-makers and/or the public; (2) audit conclusions that are persuasive, logical, and firmly supported by the evidence, which was gathered using appropriate research methods and tools; (3) audit recommendations that are feasible, and will make government programs more effective and efficient; (4) audit results that are communicated in a clear, concise way; and (5) an audit scope, methodology, recommendations, or report format that is innovative. Judges from peer organizations determined that the City of San José City Auditor's Office report was among the best of 2012.

Congratulations to the City of San José City Auditor's Office for receiving this award!

Sincerely,

A handwritten signature in cursive script, appearing to read "Drummond Kahn".

Drummond Kahn, President
ALGA

A handwritten signature in cursive script, appearing to read "Nancy Howe".

Nancy Howe, Chair
ALGA Awards Program Committee

David S. Wall

PUBLIC RECORD f

RECEIVED
San Jose City Clerk

2013 APR 25 PM 3:10

SENT VIA FIRST CLASS MAIL
AND THE CITY OF SAN JOSE PUBLIC RECORD

April 25, 2013

Mr. Mac Tully
President and Publisher
San José Mercury News
750 Ridder Park Drive
San José, California 95190

Re: The San José Mercury News is not worth the paper it is printed on because of YOU.

**YOU treat your writers at city hall worse than if they were rabid dogs.
Where are their pay and benefit increases?**

Are YOUR "hand-picked editors" destroying journalism as an "honorable profession?"

Dateline: City Desk [Thursday, (04.25.13)]. *Hey Mac, get out and stay out of the newspaper business.*

As a candidate for Supervisor, Santa Clara County District 2, here is an "opinion" for you.

I don't want to hurt your feelings or cause you to spontaneously soil your britches in public or private but, someone has to inform you, that under your leadership (or a congenital lack thereof), the San José Mercury News has been reduced to "special interest opinions of political action committees."

Your paper is losing money, readers, subscribers and advertisers.

At last night's "United District 5" political forum, the issue of communication to the District 2 voters was discussed. When I commented on the need for a "new newspaper" because the San José Mercury News was "worthless." Many heads in the audience nodded in the affirmative as well as several utterances were made in support. This is truly a sad state of affairs, especially when it is not the fault of your writers or support personnel. Most people don't place the blame on the Merc's decline where it should lay-your policies and the management lackeys who carry out an apparent twisted journalistic mantra of command and control.

I have attended, over several years, countless committee meetings at city hall where a plethora of "news worthy events" take place, but, your honorable writers at city hall are not allowed to pursue or write about. I have made several inquiries into this matter yet, for reasons unknown to me, your dutiful writers do not answer my questions. I do not like speculation as to why your writers "want to" or are "forced to be mum" on answering my questions.

I know that as a candidate, I am now in the "public light." Your newspaper may report on issues of public record. I do not want to be interviewed by any of your; agents, principals or employees for any reason. My official opinion and or answer to all questions tendered by the aforementioned will be, "No Comment." Please adhere to my request.

Respectfully submitted,

Cc: Mayor Reed and Members San José City Council
Mr. Sidney C. Flores, Esq.

David S. Wall
04.25.13